



State of Utah

Department of
Natural Resources

ROBERT L. MORGAN
Executive Director

Division of
Oil, Gas & Mining

LOWELL P. BRAXTON
Division Director

OLENE S. WALKER
Governor

GAYLE F. McKEACHNIE
Lieutenant Governor

April 7, 2004

CERTIFIED RETURN RECEIPT
7099 3400 0016 8896 1867

Mr. Wes Hansen
Quality Building Stone
993 West 14730 South
Bluffdale, Utah 84065

Subject: Modified Notice of Noncompliance, Quality Building Stone,
Unpermitted Quarries, M/055/022, Wayne County, Utah

Dear Mr. Hansen:

On March 4, 2004, the Division issued you a Notice of Noncompliance for your quarrying operations south of the Fremont River near Torrey in Wayne County, Utah. This site and another site on the north side of the river, previously unknown to the Division, were inspected on March 18, 2004. Because of their close proximity and because of the similarity of these operations, the Division has decided both of these quarries, together with the loadout south of the south quarry, should be combined under a single notice of intention (see Title 40-8-18(b), and Rule R647-1-106, "on-site" definition).

As a result of the March 18, 2004, inspection (copy enclosed), the Division hereby modifies the Notice of Noncompliance as follows:

Findings of Non-Compliance

The Division's second finding said Quality Building Stone had not filed a reclamation surety. It appears the operator has filed a \$3000 surety with the Bureau of Land Management, but the Division is not named as a beneficiary on this bond. The Division's finding is modified to reflect the surety posted with the BLM.

Wes Hansen
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Location of Non-Compliance:

Disturbances associated with Quality Building Stone's quarries are located in:

Section 13

SW $\frac{1}{4}$ SW $\frac{1}{4}$

SE $\frac{1}{4}$ NW $\frac{1}{4}$

SW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 24

NW $\frac{1}{4}$ NW $\frac{1}{4}$

SE $\frac{1}{4}$ NW $\frac{1}{4}$

NE $\frac{1}{4}$ SW $\frac{1}{4}$

Township 29 South, Range 4 East, SLBM, Wayne County, Utah.

Mitigation Requirements:

1. **Within 60 days of receipt of this letter, Quality Building Stone must post a \$66,645 (7.83 acres X \$1500 for relatively flat loading and storage areas and 10.98 acres X \$5000 for quarry areas) *transitional reclamation surety*.** This *transitional* surety will remain in place until a Notice of Intention to Commence Large Mining Operations is submitted and approved. The surety amount will be adjusted accordingly upon Division approval of the Notice of Intention to Commence Large Mining Operations. The Division will recognize the \$3000 surety filed with the Bureau of Land Management, but needs to be named as a co-beneficiary. If you wish to use this surety as part of your reclamation bond, please provide a rider showing the Division as a beneficiary.
2. As an alternative to the full bonding requirements listed in item 1, Quality Building Stone may perform reclamation grading on portions of the disturbed areas that are no longer needed for ongoing operations. These areas could be excluded from bonding. If you decide to pursue this option, the initial recontouring work must be completed within 30 days of receipt of this letter. The site would be subsequently inspected by the Division and a new GPS survey would be conducted to determine a new disturbed area acreage figure. You must also mark with T-posts (or markers of similar effectiveness), the areas to be retained as part of the active disturbed area. The regraded areas must be roughened and seeded in the

fall of 2004. A cost estimate to cover the possible need to reseed these areas, should the initial seeding fail, will need to be computed and an appropriate bond amount filed with the Division. Failure to fulfill these requirements would result in the reinstatement of complete bonding requirements for these areas.

3. Within 90 days of your receipt of this letter, Quality Building Stone must file a Notice of Intention to Commence Large Mining Operations (FORM MR-LMO) and submit the required \$500 permit fee for a large mine under 50 acres.
4. Until the *transitional* surety is posted, the permit fee has been paid, and a technically adequate Notice of Intention to Commence Large Mining Operations has been filed, Quality Building Stone ***must cease all mining operations and removal of material from these sites.***

Penalties for Failure to Comply (unchanged):

1. If Quality Building Stone fails to resolve this Notice of Non-compliance within the timeframes set forth in this letter, the Division may file a formal Notice of Agency Action. This enforcement action could require the operator to appear at an informal hearing before the Division Director, or at a formal hearing before the Board of Oil, Gas and Mining. Following public notice and formal hearing, the Board may issue an abatement or compliance Order that may require immediate suspension or termination of all mining operations until the plan is approved; immediate reclamation of the site; and/or other lawful requirements as authorized under the Act.
2. The Board may also ask the County prosecutor or State Attorney General to bring suit against the operator to enforce its Orders and to seek assessment of appropriate penalties, not to exceed \$10,000 for each knowing or willful violation of the Act.

Appeal Provisions (unchanged):

If you wish to contest this Notice of Non-Compliance, you may contact the Division to schedule an informal meeting with the Associate Director of Mining, Mary Ann Wright, and members of the Minerals Program staff. If you choose to appeal this Notice and arrange an informal meeting, please contact Vickie

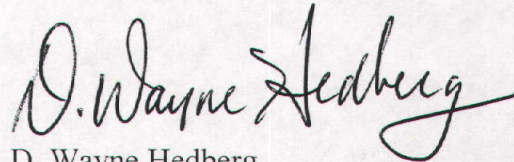
Wes Hansen
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M/055/022
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Southwick, Executive Secretary, at (801) 538-5304, within 10 days of your receipt of this notice.

You also have the right to appeal the Division's decision on this matter by requesting an *informal administrative hearing* before the Division Director, Lowell Braxton, or by requesting a *formal hearing* before the Board of Oil, Gas and Mining. **A written appeal to this decision must be filed with this office within 10 days of your receipt of this certified letter.** The written appeal must state: 1) your intent to appeal; and, 2) the specific findings or requirements you wish to appeal. An Informal Hearing is conducted under the provisions of the Administrative Rules R647-5-102 – 106 and Sections 63-46b-4 and 63-46b-5 of the Utah Code Annotated (1953, as amended). If a hearing is not requested, then the Division's decision will become final.

If you have any questions regarding the requirements of this letter, please contact me at (801) 538-5286, or Paul Baker, permit lead, at 538-5261. Thank you for your immediate attention to this matter.

Sincerely,



D. Wayne Hedberg
Permit Supervisor
Minerals Regulatory Program

DWH:PBB:jb
Enclosure: 3/18/2004 Inspection Report
cc: Buzz Rakow, Hanksville BLM
Mary Ann Wright, Associate Director
Vickie Southwick, OGM
O:\M055-Wayne\M0550022-Hansen\final\modnoncomp-04072004.doc

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

WES HANSEN
QUALITY BUILDING STONE
993 W 14730 S
BLUFFDALE UT 84065

JB DOGM M/055/022 4/7/04

2. Article Number

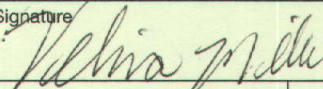
(Transfer from service label)

7099 3400 0016 8896 1867

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

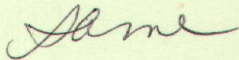
C. Date of Delivery

4/9

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☒ No

3. Service Type

X

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

Joelle Burns
State of Utah
Division of Oil, Gas and Mining
1594 West North Temple Suite 1210
Salt Lake City UT 84114-5801

[illegible]

U.S. Postal Service
CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

JB DOGM M/055/022 4/7/2004

Postage

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Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$

Postmark
Here

Recipient's Name (Please Print Clearly) (to be completed by mailer)

WES HANSEN - QUALITY BUILDING STONE

Street, Apt. No.; or PO Box No.

993 W 14730 S

City, State, ZIP+4

BLUFFDALE UT 84065

PS Form 3800, February 2000

See Reverse for Instructions